

HB 1371 - S COMM AMD
By Committee on Transportation

ADOPTED 04/12/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.63.073 and 2005 c 331 s 2 are each amended to read
4 as follows:

5 (1) In the event a traffic infraction is based on a vehicle's
6 identification, and the registered owner of the vehicle is a rental car
7 business, the law enforcement agency shall, before a notice of
8 infraction may be issued, provide a written notice to the rental car
9 business that a notice of infraction may be issued to the rental car
10 business if the rental car business does not, within thirty days of
11 receiving the written notice, provide to the issuing agency by return
12 mail:

13 (a) A statement under oath stating the name and known mailing
14 address of the individual driving or renting the vehicle when the
15 infraction occurred; or

16 (b) A statement under oath that the business is unable to determine
17 who was driving or renting the vehicle at the time the infraction
18 occurred because the vehicle was stolen at the time of the infraction.
19 A statement provided under this subsection must be accompanied by a
20 copy of a filed police report regarding the vehicle theft.

21 Timely mailing of this statement to the issuing law enforcement
22 agency relieves a rental car business of any liability under this
23 chapter for the notice of infraction. In lieu of identifying the
24 vehicle operator, the rental car business may pay the applicable
25 penalty. ((+2)) For the purpose of this ((~~section~~)) subsection, a
26 "traffic infraction based on a vehicle's identification" includes, but
27 is not limited to, parking infractions, high-occupancy toll lane
28 violations, and violations recorded by automated traffic safety
29 cameras.

1 (2) In the event a parking infraction is issued by a private
2 parking facility and is based on a vehicle's identification, and the
3 registered owner of the vehicle is a rental car business, the parking
4 facility shall, before a notice of infraction may be issued, provide a
5 written notice to the rental car business that a notice of infraction
6 may be issued to the rental car business if the rental car business
7 does not, within thirty days of receiving the written notice, provide
8 to the parking facility by return mail:

9 (a) A statement under oath stating the name and known mailing
10 address of the individual driving or renting the vehicle when the
11 infraction occurred; or

12 (b) A statement under oath that the business is unable to determine
13 who was driving or renting the vehicle at the time the infraction
14 occurred because the vehicle was stolen at the time of the infraction.
15 A statement provided under this subsection must be accompanied by a
16 copy of a filed police report regarding the vehicle theft.

17 Timely mailing of this statement to the parking facility relieves
18 a rental car business of any liability under this chapter for the
19 notice of infraction. In lieu of identifying the vehicle operator, the
20 rental car business may pay the applicable penalty. For the purpose of
21 this subsection, a "parking infraction based on a vehicle's
22 identification" is limited to parking infractions occurring on a
23 private parking facility's premises.

24 **Sec. 2.** RCW 46.63.160 and 2004 c 231 s 6 are each amended to read
25 as follows:

26 (1) This section applies only to traffic infractions issued under
27 RCW 46.61.690 for toll collection evasion.

28 (2) Nothing in this section prohibits a law enforcement officer
29 from issuing a notice of traffic infraction to a person in control of
30 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
31 (b), or (c).

32 (3) Toll collection systems include manual cash collection,
33 electronic toll collection, and photo enforcement systems.

34 (4) "Electronic toll collection system" means a system of
35 collecting tolls or charges that is capable of charging the account of
36 the toll patron the appropriate toll or charge by electronic

1 transmission from the motor vehicle to the toll collection system,
2 which information is used to charge the appropriate toll or charge to
3 the patron's account.

4 (5) "Photo enforcement system" means a vehicle sensor installed to
5 work in conjunction with an electronic toll collection system that
6 automatically produces one or more photographs, one or more
7 microphotographs, a videotape, or other recorded images of a vehicle
8 operated in violation of an infraction under this chapter.

9 (6) The use of a toll collection system is subject to the following
10 requirements:

11 (a) The department of transportation shall adopt rules that allow
12 an open standard for automatic vehicle identification transponders used
13 for electronic toll collection to be compatible with other electronic
14 payment devices or transponders from the Washington state ferry system,
15 other public transportation systems, or other toll collection systems
16 to the extent that technology permits. The rules must also allow for
17 multiple vendors providing electronic payment devices or transponders
18 as technology permits.

19 (b) The department of transportation may not sell, distribute, or
20 make available in any way, the names and addresses of electronic toll
21 collection system account holders.

22 (7) The use of a photo enforcement system for issuance of notices
23 of infraction is subject to the following requirements:

24 (a) Photo enforcement systems may take photographs, digital
25 photographs, microphotographs, videotapes, or other recorded images of
26 the vehicle and vehicle license plate only.

27 (b) A notice of infraction must be mailed to the registered owner
28 of the vehicle or to the renter of a vehicle within sixty days of the
29 violation. The law enforcement officer issuing the notice of
30 infraction shall include with it a certificate or facsimile thereof,
31 based upon inspection of photographs, microphotographs, videotape, or
32 other recorded images produced by a photo enforcement system, stating
33 the facts supporting the notice of infraction. This certificate or
34 facsimile is prima facie evidence of the facts contained in it and is
35 admissible in a proceeding charging a violation under this chapter.
36 The photographs, digital photographs, microphotographs, videotape, or
37 other recorded images evidencing the violation must be available for

1 inspection and admission into evidence in a proceeding to adjudicate
2 the liability for the infraction.

3 (c) Notwithstanding any other provision of law, all photographs,
4 digital photographs, microphotographs, videotape, or other recorded
5 images prepared under this chapter are for the exclusive use of the
6 tolling agency and law enforcement in the discharge of duties under
7 this section and are not open to the public and may not be used in a
8 court in a pending action or proceeding unless the action or proceeding
9 relates to a violation under this chapter. No photograph, digital
10 photograph, microphotograph, videotape, or other recorded image may be
11 used for any purpose other than enforcement of violations under this
12 chapter nor retained longer than necessary to enforce this chapter or
13 verify that tolls are paid.

14 (d) All locations where a photo enforcement system is used must be
15 clearly marked by placing signs in locations that clearly indicate to
16 a driver that he or she is entering a zone where traffic laws are
17 enforced by a photo enforcement system.

18 (8) Infractions detected through the use of photo enforcement
19 systems are not part of the registered owner's driving record under RCW
20 46.52.101 and 46.52.120.

21 (9) If the registered owner of the vehicle is a rental car business
22 the department of transportation or a law enforcement agency shall,
23 before a notice of infraction being issued under this section, provide
24 a written notice to the rental car business that a notice of infraction
25 may be issued to the rental car business if the rental car business
26 does not, within eighteen days of the mailing of the written notice,
27 provide to the issuing agency by return mail:

28 (a) A statement under oath stating the name and known mailing
29 address of the individual driving or renting the vehicle when the
30 infraction occurred; or

31 (b) A statement under oath that the business is unable to determine
32 who was driving or renting the vehicle at the time the infraction
33 occurred because the vehicle was stolen at the time of the infraction.
34 A statement provided under this subsection must be accompanied by a
35 copy of a filed police report regarding the vehicle theft; or

36 (c) In lieu of identifying the vehicle operator, the rental car
37 business may pay the applicable toll and fee.

1 Timely mailing of this statement to the issuing law enforcement
2 agency relieves a rental car business of any liability under this
3 chapter for the notice of infraction.

4 **Sec. 3.** RCW 46.63.170 and 2005 c 167 s 1 are each amended to read
5 as follows:

6 (1) The use of automated traffic safety cameras for issuance of
7 notices of infraction is subject to the following requirements:

8 (a) The appropriate local legislative authority must first enact an
9 ordinance allowing for their use to detect one or more of the
10 following: Stoplight, railroad crossing, or school speed zone
11 violations. At a minimum, the local ordinance must contain the
12 restrictions described in this section and provisions for public notice
13 and signage. Cities and counties using automated traffic safety
14 cameras before July 24, 2005, are subject to the restrictions described
15 in this section, but are not required to enact an authorizing
16 ordinance.

17 (b) Use of automated traffic safety cameras is restricted to two-
18 arterial intersections, railroad crossings, and school speed zones
19 only.

20 (c) Automated traffic safety cameras may only take pictures of the
21 vehicle and vehicle license plate and only while an infraction is
22 occurring. The picture must not reveal the face of the driver or of
23 passengers in the vehicle.

24 (d) A notice of infraction must be mailed to the registered owner
25 of the vehicle within fourteen days of the violation, or to the renter
26 of a vehicle within fourteen days of establishing the renter's name and
27 address under subsection (3)(a) of this section. The law enforcement
28 officer issuing the notice of infraction shall include with it a
29 certificate or facsimile thereof, based upon inspection of photographs,
30 microphotographs, or electronic images produced by an automated traffic
31 safety camera, stating the facts supporting the notice of infraction.
32 This certificate or facsimile is prima facie evidence of the facts
33 contained in it and is admissible in a proceeding charging a violation
34 under this chapter. The photographs, microphotographs, or electronic
35 images evidencing the violation must be available for inspection and
36 admission into evidence in a proceeding to adjudicate the liability for

1 the infraction. A person receiving a notice of infraction based on
2 evidence detected by an automated traffic safety camera may respond to
3 the notice by mail.

4 (e) The registered owner of a vehicle is responsible for an
5 infraction under RCW 46.63.030(1)(e) unless the registered owner
6 overcomes the presumption in RCW 46.63.075, or, in the case of a rental
7 car business, satisfies the conditions under subsection (3) of this
8 section. If appropriate under the circumstances, a renter identified
9 under subsection (3)(a) of this section is responsible for an
10 infraction.

11 (f) Notwithstanding any other provision of law, all photographs,
12 microphotographs, or electronic images prepared under this section are
13 for the exclusive use of law enforcement in the discharge of duties
14 under this section and are not open to the public and may not be used
15 in a court in a pending action or proceeding unless the action or
16 proceeding relates to a violation under this section. No photograph,
17 microphotograph, or electronic image may be used for any purpose other
18 than enforcement of violations under this section nor retained longer
19 than necessary to enforce this section.

20 (g) All locations where an automated traffic safety camera is used
21 must be clearly marked by placing signs in locations that clearly
22 indicate to a driver that he or she is entering a zone where traffic
23 laws are enforced by an automated traffic safety camera.

24 (h) If a county or city has established an authorized automated
25 traffic safety camera program under this section, the compensation paid
26 to the manufacturer or vendor of the equipment used must be based only
27 upon the value of the equipment and services provided or rendered in
28 support of the system, and may not be based upon a portion of the fine
29 or civil penalty imposed or the revenue generated by the equipment.

30 (2) Infractions detected through the use of automated traffic
31 safety cameras are not part of the registered owner's driving record
32 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
33 by the use of automated traffic safety cameras under this section shall
34 be processed in the same manner as parking infractions, including for
35 the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and
36 46.20.270(3). However, the amount of the fine issued for an infraction
37 generated through the use of an automated traffic safety camera shall

1 not exceed the amount of a fine issued for other parking infractions
2 within the jurisdiction.

3 (3) If the registered owner of the vehicle is a rental car
4 business, the law enforcement agency shall, before a notice of
5 infraction being issued under this section, provide a written notice to
6 the rental car business that a notice of infraction may be issued to
7 the rental car business if the rental car business does not, within
8 eighteen days of receiving the written notice, provide to the issuing
9 agency by return mail:

10 (a) A statement under oath stating the name and known mailing
11 address of the individual driving or renting the vehicle when the
12 infraction occurred; or

13 (b) A statement under oath that the business is unable to determine
14 who was driving or renting the vehicle at the time the infraction
15 occurred because the vehicle was stolen at the time of the infraction.
16 A statement provided under this subsection must be accompanied by a
17 copy of a filed police report regarding the vehicle theft; or

18 (c) In lieu of identifying the vehicle operator, the rental car
19 business may pay the applicable penalty.

20 Timely mailing of this statement to the issuing law enforcement
21 agency relieves a rental car business of any liability under this
22 chapter for the notice of infraction.

23 (4) Nothing in this section prohibits a law enforcement officer
24 from issuing a notice of traffic infraction to a person in control of
25 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
26 (b), or (c).

27 (5) For the purposes of this section, "automated traffic safety
28 camera" means a device that uses a vehicle sensor installed to work in
29 conjunction with an intersection traffic control system, a railroad
30 grade crossing control system, or a speed measuring device, and a
31 camera synchronized to automatically record one or more sequenced
32 photographs, microphotographs, or electronic images of the rear of a
33 motor vehicle at the time the vehicle fails to stop when facing a
34 steady red traffic control signal or an activated railroad grade
35 crossing control signal, or exceeds a speed limit in a school speed
36 zone as detected by a speed measuring device."

ADOPTED 04/12/2007

1 On page 1, line 1 of the title, after "vehicles;" strike the
2 remainder of the title and insert "and amending RCW 46.63.073,
3 46.63.160, and 46.63.170."

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